

## IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF SOUTH CAROLINA CHARLESTON DIVISION

EDWARD TERRICK DRUMMOND,	§	
Plaintiff,	§	
	§	
VS.	§	5:15-cv-02147-MGL-KDW
	§	
SPARTANBURG COUNTY DETENTION	§	
CENTER, CAPT. FREEMAN,	§	
DET. CALLOWAY, T. HADDEN,	§	
CORP. J. THOMAS, SGT. CENTER,	§	
SGT. NICHOLS, CAPT. MCCANN,	§	
DET. NODINE, and	§	
SGT. CURBY,	§	
Defendants.	§	

## ORDER ADOPTING THE REPORT AND RECOMMENDATION AND DISMISSING PLAINTIFF'S COMPLAINT WITHOUT PREJUDICE AND WITHOUT ISSUANCE AND SERVICE OF PROCESS.

This case was filed as a 42 U.S.C. § 1983 action. The matter is before the Court for review of the Report and Recommendation (Report) of the United States Magistrate Judge suggesting that the Court dismiss the Complaint without prejudice and without issuance and service of process. The Report was made in accordance with 28 U.S.C. § 636 and Local Civil Rule 73.02 for the District of South Carolina.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court is charged with making a de novo determination of those portions of the Report to which specific objection is made, and the Court may

accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge o r recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

The Magistrate Judge filed the Report on June 5, 2015, and the Clerk of Court entered Plaintiff's objections on June 19, 2015. The Court has reviewed the objections, but finds them to be without merit. Therefore, it will enter judgment accordingly.

In Plaintiff's objections, he makes no specific objections to the Report. Instead, he generally reiterates claims that the Magistrate Judge has already considered and rejected. Because the Court agrees with the Magistrate Judge's treatment of those issues, it need not discuss them again here. Therefore, it will overrule Plaintiff's objections.

After a thorough review of the Report and the record in this case pursuant to the standard set forth above, the Court adopts the Report to the extent that it does not contradict this Order, and incorporates it herein. Therefore, it is the judgment of this Court that the Complaint is **DISMISSED**WITHOUT PREJUDICE and without issuance and service of process.

Further, as per Plaintiff's request, the Clerk of Court is **DIRECTED** to send to Plaintiff a 28 U.S.C. § 2254 packet.

## IT IS SO ORDERED.

Signed this 30th day of June, 2015, in Columbia, South Carolina.

s/ Mary G. Lewis MARY G. LEWIS UNITED STATES DISTRICT JUDGE

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## NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified of the right to appeal this Order within thirty days from the date hereof, pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.